

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. Fig. 2 now includes one additional reference character.

Attachment: Replacement Sheet (1).

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-7, 9, 11-19, and 22-25 are pending. The specification and Fig. 2 are amended to more specifically identify features described in original Fig. 2. Claim 1 is amended. Claims 8, 10, 20, and 21 were canceled previously. Support for the amendment to Claim 1 is self-evident. No new matter is added.

In the outstanding Office Action, Claims 1-7, 9, 11-19, and 22-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 2, 9, 15-18, and 22-25 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Regarding the rejection of Claims 1-7, 9, 11-19, and 22-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, that rejection is respectfully traversed by the present response.

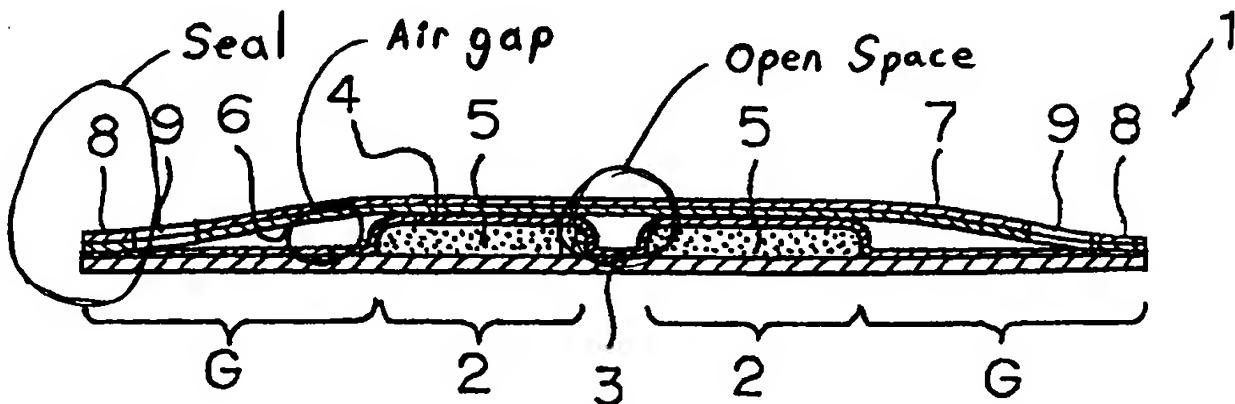
Independent Claim 1 recites, in part:

wherein the hair warming tool includes an outermost base sheet adapted to contact said tied hair when in the wrapping state, said outermost base sheet comprising a water resistant material, said outermost base sheet being non-removably attached to said hair warming tool and the margin includes a seal at an outer perimeter of the margin, and the margin further includes a portion between the seal and the heating part, the portion including a first sheet separated from the outermost base sheet by an air gap.

Accordingly, the margin includes a seal at an outer perimeter of the margin. The margin also includes a portion between the seal and the heating part. The portion between the seal and the heating part includes a first sheet separated from the outermost base sheet by an air gap.

An annotated version of Fig. 2 is provided below in which a non-limiting example of the seal (8) is identified by name, and the portion between the seal and the heating part, which includes an air gap (A) is marked with the label "air gap."

Fig. 2



The specification is amended to discuss reference character (A), added in a replacement drawing sheet submitted herewith, identifying the air gap.

Claim 2 recites "the plurality of heating parts are separated from each other by at least one open space." In the example depicted in annotated Fig. 2 provided above, the open space (W1) separating the heating parts (5) is labeled. The specification is amended to use the term "open space" in describing the area identified by reference character (W1). Accordingly, Applicants respectfully submit that the features added to Claims 1 and 2 in the previous amendment are fully supported by the original disclosure, including original Fig. 2.¹

¹ MPEP § 2163.02 states: Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). Possession may be shown in a variety of ways including description of an actual reduction to practice, or by showing that the invention was "ready for patenting" such as by the disclosure of drawings or structural chemical formulas that show that the invention was complete, or by describing distinguishing identifying characteristics sufficient to show that the applicant was in possession of the claimed invention. See, e.g., *Pfaff v. Wells Elecs., Inc.*, 525 U.S. 55, 68, 119 S.Ct. 304, 312, 48 USPQ2d 1641, 1647 (1998); *Regents of the University of California v. Eli Lilly*, 119 F.3d 1559, 1568, 43 USPQ2d 1398, 1406 (Fed. Cir. 1997); *Amgen, Inc. v. Chugai Pharmaceutical*, 927 F.2d 1200, 1206, 18 USPQ2d 1016, 1021 (Fed. Cir. 1991) (one must define a compound by "whatever characteristics sufficiently distinguish it").

As the specification is amended to include a reference character referring to the air gap and explicit language regarding the open space, and Fig. 2 is amended to include the above-noted reference character, Applicants respectfully submit that the rejection of Claims 1-7, 9, 11-19, and 22-25 as failing to comply with the written description requirement is overcome.

Regarding the rejection of Claims 1, 2, 9, 15-18, and 22-25 as indefinite, that rejection is respectfully traversed by the present response.

Regarding the objection to the use of the term “is designed to,” this term is replaced with language more common under United States practice. Accordingly, Applicants respectfully submit that this rejection is overcome.

Regarding the rejection of Claim 1 as indefinite for reciting “fastening said margin by means of a fastening means,” Claim 1 is amended to recite “a fastener.” Accordingly, Applicants respectfully submit that this rejection of Claim 1 as indefinite is overcome.

Regarding the rejection of Claim 1 for reciting “such as,” this language is deleted from amended independent Claim 1. Accordingly, Applicants respectfully submit that this rejection of independent Claim 1 as indefinite is overcome.

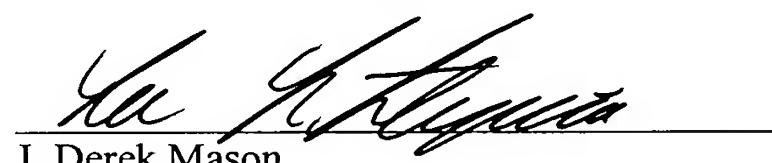
As Claims 2, 9, 15-18, and 22-25 were rejected as indefinite by virtue of their dependency from independent Claim 1, Applicants respectfully submit that the rejection of Claims 1, 2, 9, 15-18, and 22-25 is overcome for at least the reasons discussed above. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 1-7, 9, 11-19, and 22-25 is earnestly solicited.

Should Examiner Comstock deem that any further action is necessary to place this application in even better form for allowance, he is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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